

UTAH LABOR COMMISSION**Division of Adjudication**160 East 300 South, 3rd Floor

P O Box 146615

Salt Lake City, UT 84114-6615

Applicant

v.

Employer

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APPOINTMENT OF COUNSEL*Date of Occupational Injury/Illness**

Applicant hereby appoints the undersigned as my attorney to represent me in my industrial claim. I understand that the fee that my attorney can receive for representing me in my industrial claim is based on the amount of benefits my attorney helped me to obtain and that my attorney's fees are based on Labor Commission Rule R602-2-4, printed on the reverse side of this form, which is amended from time to time. I understand that my attorney's fee, including such costs and expenses that are reasonable to represent me in my claim, and approved by the Labor Commission, will be subtracted from benefits awarded to me and that my attorney cannot charge me any other fees for services rendered in connection with my industrial claim.

Date _____

Date _____

Print Name of Attorney Bar Number_____
Printed Name of Applicant_____
Attorney's Federal I.D. Number_____
Applicant's Social Security Number_____
Signature of Attorney_____
Signature of Applicant_____
Street Address of Attorney_____
Street Address of Applicant_____
City/State/ Zip_____
City/State/Zip_____
Attorney's Telephone Number_____
Applicant's Telephone Number**UNSIGNED OR INCOMPLETE FORMS WILL BE RETURNED.****APPLICANT'S SIGNATURE CERTIFIES READING OF THE STATUTE
AND RULE ON REVERSE SIDE OF THIS FORM.**

R602. Labor Commission, Adjudication

R602.2. Adjudication of Workers' Compensation and Occupational Disease Claims

R602-2-4. Attorney Fees.

A. Pursuant to Section 34A-1-309, the Commission adopts the following rule to regulate and fix reasonable fees for attorneys representing applicants in workers' compensation or occupational illness claims.

1. This rule applies to all fees awarded after July 1, 2007.

2. Fees awarded prior to the effective date of this rule are determined according to the prior version of this rule in effect on the date of the award.

B. Upon written agreement, when an attorney's services are limited to consultation, document preparation, document review, or review of settlement proposals, the attorney may charge the applicant an hourly fee of not more than \$125 for time actually spent in providing such services, up to a maximum of four hours.

1. Commission approval is not required for attorneys fees charged under this subsection B. It is the applicant's responsibility to pay attorneys fees permitted by this subsection B.

2. In all other cases involving payment of applicants' attorneys fees which are not covered by this subsection B., the entire amount of such attorneys fees are subject to subsection C. or D. of this rule.

C. Except for legal services compensated under subsection B. of this rule, all legal services provided to applicants shall be compensated on a contingent fee basis.

1. For purposes of this subsection C., the following definitions and limitations apply:

a. The term "benefits" includes only death or disability compensation and interest accrued thereon.

b. Benefits are "generated" when paid as a result of legal services rendered after an Appointment of Counsel form is signed by the applicant. A copy of this form must be filed with the Commission by the applicant's attorney.

c. In no case shall an attorney collect fees calculated on more than the first 312 weeks of any and all combinations of workers' compensation benefits.

2. Fees and costs authorized by this subsection shall be deducted from the applicant's benefits and paid directly to the attorney on order of the Commission. A retainer in advance of a Commission approved fee is not allowed.

3. Attorney fees for benefits generated by the attorney's services shall be computed as follows:

a. For all legal services rendered through final Commission action, the fee shall be 25% of weekly benefits generated for the first \$25,000 plus 20% of the weekly benefits generated in excess of \$25,000 but not exceeding \$50,000, plus 10% of the weekly benefits generated in excess of \$50,000, to a maximum of \$15,250.

b. For legal services rendered in prosecuting or defending an appeal before the Utah Court of Appeals, an attorney's fee shall be awarded amounting to 30% of the benefits in dispute before the Court of Appeals. This amount shall be added to any attorney's fee awarded under subsection C.3.a for benefits not in dispute before the Court of Appeals. The total amount of fees awarded under subsection C.3.a. and this subsection C.3.b shall not exceed \$22,000.

c. For legal service rendered in prosecuting or defending an appeal before the Utah Supreme Court, an attorney's fee shall be awarded amounting to 35% of the benefits in dispute before the Supreme Court. This amount shall be added to any attorney's fee awarded under subsection C.3.a. and subsection C.3.b. and this subsection C.3.c shall not exceed \$27,000.

D. The following expenses, fees and costs shall be presumed to be reasonable and necessary and therefore reimbursable in a workers compensation claim:

1. Medical records and opinion costs;

2. Deposition transcription costs;

3. Vocational and Medical Expert Witness fees;

4. Hearing transcription costs;

5. Appellate filing fees; and

6. Appellate briefing expenses.

7. Other reasonable expenses, fees and costs may be awarded as reimbursable as the Commission may in its discretion decide in a particular workers compensation claim.

E. In "medical only" cases in which awards of attorneys' fees are authorized by §34A-1-309(4), the amount of such fees and costs shall be computed according to the provisions of subsection C and D.